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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,081

07/24/2003

David C. Eby

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9964

4743 7590 03/27/2007
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EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT

PAPER NUMBER

3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/626,081

Applicant(s)

EBY ET AL.

Examiner

Niki M. Eloshway

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10,11,13 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4-8,10,11,13,31 and 33 is/are allowed.
- 6) ☒ Claim(s) 1,23-30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/11/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 8, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 23, 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ringle (U.S. D341, 377) in view of Ambasz (U.S. D328,103). Ringle discloses the claimed invention except for the open edges disposed opposite the first and second edges. Ambasz teaches that it is known to provide trays with two open edges (see figures 1 and 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Ringle with the open edges disposed opposite the first and second edges, as taught by Ambasz, in order to allow contents to be easily inserted into a larger opening.

4. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ringle (U.S. D341, 377) in view of Ambasz (U.S. D328,103), as applied to claim 1 above, and further in view of Deskiewicz, Jr. (U.S. 4,844,264). The modified apparatus of Ringle discloses the claimed invention except for the

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base being disposed at an angle to the desktop. Deskiewicz, Jr. teaches that it is known to provide a tray with a support which disposes the base at an angle to the desktop (see element 52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified apparatus of Ringle with a stand, as taught by Deskiewicz, Jr., in order to display the contents of the tray.

5. Claims 25, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ringle (U.S. D341, 377) in view of Ambasz (U.S. D328,103), as applied to claim 1 above, and further in view of Converse (U.S. D158,444). The modified apparatus of Ringle discloses the claimed invention except for the base being disposed at an angle to the desktop. Converse teaches that it is known to provide a tray with a support which disposes the base at an angle to the desktop (see figures 1 and 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified apparatus of Ringle with a support, as taught by Converse, in order to display the contents of the tray.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ringle (U.S. D341, 377) in view of Ambasz (U.S. D328,103), as applied to claim 23 above, and further in view of Temple (U.S. D366,170). The modified apparatus of Ringle discloses the claimed invention except for the first and second side walls having the same length. Temple teaches that it is known to provide a tray with first and second side walls having the same length (see figure 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified apparatus of Ringle with the first and second side walls having the same length, as taught by Temple, in order to securely store objects having a square perimeter.

Allowable Subject Matter

7. Claims 2, 4-8, 10, 11, 13, 31 and 33 are allowed.

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Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

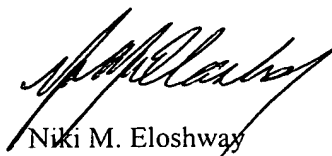
Conclusion

9. THIS ACTION IS MADE NON-FINAL.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Niki M. Eloshway
Examiner
Art Unit 3781

nme